

REMARKS

Initially, Applicants express appreciation to the Examiner and the Examiner's supervisor for the recent courtesies extended during the in person interview on November 16, 2006 with the Applicants' attorneys. The amendments made by this paper are consistent with the proposals discussed during the interview.

The First Office Action, mailed October 06, 2006, considered claims 1-40.¹ By this paper, claims 1, 10-11, 22 and 31-32 have been amended, while new claims 41 and 42 have been added, such that claims 1-42 remain pending, of which claims 1, 10, 31, 32, 41 and 42 are the only independent claims at issue.²

As discussed during the interview, the claims of the invention are generally directed towards embodiments for indexing content and merging a plurality of separate indexes into master indexes. The system recited in claim 1, for example, includes an index merger for concurrently indexing content in a plurality of sub-indexes and merging at least some of the sub-indexes that are created at a plurality of stages during indexing of the content. As clarified during the interview, the plurality of stages includes at least a first stage where a first set of sub-indexes are merged into new sub-indexes and at least a second stage where a plurality of new sub-indexes are merged into a master index.

The method recited in claim 10 corresponds to a similar embodiment in which a number of stages for merging sub-indexes and a maximum number of sub-indexes for each stage are determined. According to this embodiment, a sub-index is also built in volatile memory. Thereafter, the sub-index is stored in persistent storage as belonging to one of the stages. The stored sub-index is then merged with at least one other sub-index into a new sub-index at a stage

¹ Claims 9 and 31 were rejected under 35 U.S.C. 101. Claims 10-11 were rejected under 35 U.S.C. 112. Claims 1-5, 7, 9-13, 22-24 and 27-40 were rejected under 35 U.S.C. 102(e) as being anticipated by Avadhanam et al. (US 6,778,977) hereinafter *Avadhanam*. Claims 6, 8, and 25-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Avadhanam* in view of Judd et al. (US 6,360,215) hereinafter *Judd*. Claims 14-21, on the other hand, were found to contain allowable subject matter and were merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² New claims 41 and 42 comprise previously presented claims 14 and 16 rewritten into independent claim form. The other claim amendments are supported by the disclosure found throughout the specification, including the disclosure found in Figure 5 (as well as the corresponding written description in the specification), and the disclosure found in the Summary, on page 4. This disclosure was reviewed during the interview.

before a total number of sub-indexes within a particular stage exceeds the maximum number of sub-indexes determined for that particular stage. Then, the new sub-index is merged with at least one additional sub-index in a new stage upon determining that a predetermined number of new sub-indexes exist in the new stage and while simultaneously indexing content into at least one sub-index within said particular stage.

Independent claim 31 recites a computer readable media for implementing the method of claim 10.

The last independent claim, claim 32, is directed to another system for building a large index, comprising: means for creating sub-indexes at different stages of a processing pipeline; means for concurrently merging particular sub-indexes at different stages of the processing pipeline; and means for continuously indexing content into other sub-indexes at the different stages of the processing pipeline while simultaneously merging the particular sub-indexes.

As discussed during the interview, the cited art (when considered alone and in combination) clearly fails to teach or suggest any embodiment, such as those recited above, wherein merging and indexing is performed simultaneously or within a plurality of different sub-index stages, as claimed in combination with the other recited claim elements.

For at least these reasons, Applicant respectfully submits that all of the independent claims are allowable over the cited art of record. Furthermore, it is noted that the new claims should be found allowable inasmuch as they incorporate subject matter that was previously found to be allowable.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice.³

³ Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of December, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. D. Nydegger', with a stylized flourish at the end.

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